

U.S. Department of Justice
 Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Technology Criminal Branch
Report of Technical Examination



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To:
 Special Agent (b) (6), (b) (7)(C)
 Bureau of Alcohol, Tobacco, Firearms and Explosives
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Date: FEB 02 2015

UI#: 768030-14-0013

RE: (b)(3) 26 USC 6103, (b)(6), (b)(7)(C)

FTB#: 2014-24 (b) (6), (b) (7)(C)
 302088

Date Exhibits Received: 4/1/2014

Delivered By: FedEx: (b) (6), (b) (7)(C)

Type of Examination Requested:

Test, Examination, Classification

Exhibits:

1. Bag containing four metal cylindrical devices, no manufacturer's markings (suspected silencers).
2. Bag containing ten firearm adaptors/parts (suspected silencer parts).
3. Bag containing two white polymer inserts (suspected silencer parts).
4. Bag containing two brass inserts (suspected silencer parts).
5. Bag containing one threaded pistol barrel.
6. Bag containing one thread tapping tool.

Pertinent Authority:

The Gun Control Act of 1968 (GCA), as amended, defines "firearm" to include:

"...any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive...the frame or receiver of any such weapon...[and] ...any firearm muffler or firearm silencer...." (See 18 U.S.C. § 921(a)(3)(C).)

The National Firearms Act (NFA), 26 U.S.C. § 5845(a), defines "firearm" as—

"... (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (6) a machinegun; (7) any silencer (as defined in 18 U.S.C. § 921); and (8) a destructive device. The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the ...[Attorney General]... finds by reason of the date of its

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Page 02**Pertinent Authority (con.):**

manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon."

In addition, the GCA defines the terms "**firearm silencer**" and "**firearm muffler**" to mean—

"...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication." (See 18 U.S.C. § 921(a)(24).)

Also, the NFA defines "**firearm**," in part, as: *"...any silencer (as defined in Section 921 of Title 18, United States Code)...."* (See 26 U.S.C. § 5845(a)(7).)

Finally, the NFA, § 5842, "**Identification of firearms**," states:

"...(a) Identification of firearms other than destructive devices. - Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the...[Attorney General]...may by regulations prescribe. (b) Firearms without serial number. - Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the...[Attorney General]...and any other information the...[latter]... may by regulations prescribe."

Findings:

Exhibit 1 consists of four cylindrical devices hereby referred to as Exhibits 1-a through 1-d.

Exhibit 1-a is a pneumatic power tool silencer/muffler manufactured by Gast manufacturing, Inc. The device is approximately 5- inches in length and approximately 1-5/8 inches at its major diameter, and is constructed from black polymer material. The Exhibit contains a front end-cap with a hole in its center of approximately 1/4-inch in diameter; and a rear end-cap with a hole in its center of approximately 1/2-inch in diameter that is internally threaded. Additionally, the Exhibit consists of an expansion chamber which is lined with sound absorbent mesh.

I noted that the Exhibit can also be used as a firearm "silencer" as defined above.

Additionally, I noted that the thread pitch on Exhibit 1-a corresponds with the thread pitch on the Exhibit 1-c silencer; the Exhibit 5 threaded pistol barrel; and with the Exhibit 6 tapping tool included with the Exhibit. Further, I noted residual polymer shavings at the bottom of the rear threaded end-cap hole indicating that the Exhibit appeared to have been modified and made with a tapping tool.

Exhibit 1-b is a metal cylindrical device approximately 6-5/8 inches in length and approximately 1-1/2 inches at its major diameter. I found that the device has no visible markings with reference to manufacturer. Further, the Exhibit contains a front end-cap with a hole in its center of approximately 5/8-inch in diameter; and a rear end-cap containing a hole in its center of approximately 7/16-inch.

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Page 03**Findings (con.):**

During my examination I observed that the interior consists of a metal sleeve that extends approximately 4-inches along the center of the Exhibit which leads into an expansion chamber.

The Exhibit possesses design features of a muzzle attachment; but has not yet reached a stage of manufacture to classify as a firearm.

Exhibit 1-c is a metal cylindrical device approximately 7-5/8 inches in length and approximately 1-1/2 inches at its major diameter, and is coated with black paint I found that the device has no visible markings with reference to manufacturer. The Exhibit contains a front end-cap with a hole in its center of approximately 1/4-inch in diameter; and a rear end-cap with a hole in its center of approximately 1/2-inch in diameter that is internally threaded to facilitate attachment to a firearm barrel. Additionally I noted that the thread pitch on Exhibit 1-c corresponds with the threads on Exhibit 1-a; the Exhibit 5 threaded pistol barrel; and the Exhibit 6 tapping tool.

During my examination I observed that the interior consists a series of expansion chambers, thus permitting gasses from a fired projectile to escape and be trapped and diverted.

For sound-comparison test purposes, I used a Ruger, Model 22/45, .22 LR caliber semiautomatic pistol (serial number (b) (6), (b) (7)(C)) from the ATF National Firearms Collection (NFC) with and without Exhibit 1-c attached. I conducted the sound-comparison testing at the ATF test range, Martinsburg, West Virginia, on January 22, 2015, using commercially available, CCI brand, .22 LR caliber ammunition. The testing was conducted in the presence of a Bruel & Kjaer, Nexus Acoustic Conditioner Amplifier, calibrated precision sound-level meter, and recorded the results. I followed the standard operating procedures established by ATF for conducting the testing. During this procedure, a pre and post self-test calibration verification procedure was automatically conducted. The instrument passed both the pre and post self-test calibration verifications.

I used an adapter to attach the device to the NFC Ruger pistol. Manufacturers produce silencers with a wide variety of attachment methods. It is common for a silencer maker to utilize threaded adapters and twist-and-lock adapters, or even to modify the associated firearm, to enable the silencer to fit.

The results of the testing are as follows:

NFC Ruger with no silencer	(5-shot average)	155.38 decibels
NFC Ruger with Exhibit 1-c attached	(5-shot average)	133.83 decibels

The sound reduction recorded was **21.55** decibels. The test results establish that Exhibit 1-c is capable of diminishing the sound report of the Ruger pistol.

Exhibit 1-d is a fake silencer.

Exhibit 2 consists of ten firearm muzzle devices hereby referred to as Exhibits 2-a through 2-g.

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Page 04**Findings (con.):**

Exhibit 2-a is SWD, Inc. muzzle adapter, designed and marketed as a flash hider and “disposable suppressor” adapter.

Exhibit 2-b is a SWD-type barrel bushing adapter for a 1911-type pistol, commonly used to facilitate attachment of a silencer to a pistol barrel.

Exhibit 2-c is a muzzle device marketed as a “solvent trap”, manufactured by Cadiz Gun Works (CGW). The device contains a ½” x 28 tpi thread pattern and is designed to facilitate attachment of an automotive oil filter to the muzzle of a firearm. Once attached, these oil filters are commonly used as firearm silencers.

Exhibit 2-d is a threaded muzzle device of the type commonly used to facilitate attachment of a silencer to the muzzle of a Ruger 10/22 rifle.

Exhibit 2-e is a ½ x 28 tpi thread adapter for a Walther P-22 pistol.

Exhibits 2-f consists of two firearm muzzle brakes.

Exhibits 2-g consists of three thread adapters commonly used to facilitate attachment of muzzle devices to firearm barrels.

Exhibit 3 consists of two polymer cylindrical devices, approximately 5-1/4 inches in length; of unknown manufacture.

Exhibit 4 consists of three brass cylindrical devices, approximately 6-inches in length; of unknown manufacture.

Exhibit 5 is a 9mm Luger caliber Beretta Model 92-type pistol barrel. The Exhibit is approximately 4-inches in overall length and is threaded at its muzzle end to facilitate attachment of a muzzle device. As noted above, these threads correspond with the threads on Exhibit 1-a; the Exhibit 1-c silencer; and the Exhibit 6 tapping tool.

Exhibit 6 is a ½”x28 tapping tool used to cut threads in a hole.

Conclusions:

Exhibit 1-a is not controlled by either the GCA or NFA; however if attached to the muzzle of a portable firearm, would be a “silencer” as defined in both the GCA and NFA.

Exhibit 1-b is not controlled by either the GCA or NFA.

Exhibit 1-c is a “firearm” as defined in 18 U.S.C. 921(a)(3)(C).

Exhibit 1-c, being a device for silencing, muffling, or diminishing the report of a portable firearm, is a “firearm silencer” as defined in 18 U.S.C. 921(a)(24).

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Conclusions (con.):

Exhibit 1-c is a silencer by design, construction, and function; therefore, it is also a "firearm" as defined in 26 U.S.C. 5845(a)(7).

Exhibit 1-c bears no manufacturer's marks of identification or serial number as required by 26 U.S.C. 5842.

Exhibit 1-d is not controlled by either the GCA or NFA.

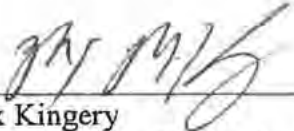
Exhibits 2-6 are not controlled by either the GCA or NFA.

Conclusions:

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Firearms Enforcement Officer

Approved by:



Max Kingery
Chief, Firearms Technology Criminal Branch

Attachment: Four pages bearing a total of four photos.

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Firearms Enforcement Officer
(Witness)

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